IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 26463 of 2007(A)

PETITIONER:

G. SURESH,
PHYSICAL EDUCATION TEACHER,
DEVASWOM BOARD HIGH SCHOOL,
VAMANAPURAM.

BY ADV. SRI. G. SASIDHARAN CHEMPAZHANTHIYIL
SRI. S. VISHNU

RESPONDENTS:
----

1. **STATE OF KERALA, REPRESENTED BY ITS SECRETARY TO GOVERNMENT, DEPARTMENT OF GENERAL EDUCATION, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **THE DIRECTOR OF PUBLIC INSTRUCTION, OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION, THIRUVANANTHAPURAM.**

3. **THE MANAGER, DEVASWOM BOARD SCHOOLS, TRAVANCORE DEVASWOM BOARD, NANDANCODE, THIRUVANANTHAPURAM.**

4. **THE TRAVANCORE DEVASWOM BOARD, REPRESENTED BY ITS SECRETARY, NANDANCODE, THIRUVANANTHAPURAM.**

5. **THE DISTRICT EDUCATIONAL OFFICER, ATTINGAL.**

6. THE DISTRICT EDUCATIONAL OFFICER,
   KOTHAMANGALAM.

7. R.RAMACHANDRAN PILLAI,
   PHYSICAL EDUCATION TEACHER,
   DBHS, THIRUVALLA.

8. K.V. KRISHNAMMA,
   PHYSICAL EDUCATION TEACHER,
   DBHS, THRIKKARIYOOR.

   BY ADV. SRI. K.N. VENUGOPALA PANICKER, SC, TDB
   GOVERNMENT PLEADER SRI. T. T. MAHMOOD.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 26463/2007

A P P E N D I X

PETITIONER'S EXHIBITS:

EXT. P1	**:**	**COPY OF THE ORDER NO. ROC 4660/07/EDN. DATED 23.7.2007 ISSUED BY THE 3RD RESPONDENT.**
EXT. P2	**:**	**COPY OF THE ORDER NO. ROC 4660/07/EDN. DATED 20.8.2007 ISSUED BY THE 3RD RESPONDENT.**
EXT. P3	**:**	**COPY OF THE REQUEST DATED 30.8.2007 ADDRESSED TO THE 4TH RESPONDENT.**
EXT. P4	**:**	**COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE ASSISTANT PROFESSOR OF INTERNAL MEDICINE, MEDICAL COLLEGE, THIRUNANTHAPURAM.**
EXT. P5	**:**	**COPY OF THE WRITTEN STATEMENT DATED 30.10.2004 FILED IN RESPONSE TO R3(h) TO THE 4TH RESPONDENT.**
EXT. P6	**:**	**COPY OF the COMPLAINT DATED 30.08.2007 SUBMITTED TO THE 2ND RESPONDENT.**
EXT. P7	**:**	**COPY OF the ORDER NO. ROC 23665/07 DATED 24.9.2007 BY THE MANAGER IN RESPECT OF P.G. REJANI, HINDI TEACHER, DBHS, VAMANAPURAM.**

3RD RESPONDENT'S EXHIBITS:

EXT. R3(a)	**:**	**COPY OF APPLICATION FOR LEAVE SUBMITTED BY THE PETITIONER.**
EXT. R3(b)	**:**	**COPIE OF COMPLAINTS OF THE PARENTS OF THE SCHOOL.**
EXT. R3(c)	**:**	**COPY OF THE COMPLAINT OF THE SCHOOL LEADER.**
EXT. R3(d)	**:**	**COPY OF LETTER FROM THE CO-OPERATIVE INSPECOR**
EXT. R3(e)	**:**	**COPY OF THE LETTERS GIVEN BY THE PETITIONER TO THE HEADMISTRESS.**
EXT. R3(f)	**:**	**COPY OF THE VIGILANCE REPORT.**
EXT. R3(g)	**:**	**COPY OF THE SUSPENSION ORDER.**
EXT. R3(h)	**:**	**COPY OF THE MEMO OF CHARGES.**

WP(C).No. 26463/2007

EXT. R3(i) : COPY OF THE PROCEEDINGS OF THE D.E.O.

EXT. R3(j) : COPY OF the ORDER OF REINSTATEMENT.

EXT. R3(k) : COPY OF THE REPRESENTATION BY THE HEADMISTRESS TO THE PRESIDENT, T.D.B.

// True Copy //

P.A. to Judge.

Acd

S. SIRI JAGAN, J.

W.P.(C)No.26463 OF 2007

Dated this the 31st day of October, 2007

JUDGMENT

The petitioner challenges Ext.P2 order by which he has been re-transferred to DBHS, Thrikkariyoor from DBHS, Vamanapuram where he joined duty only on 23.7.2007. The Secretary of Travancore Devaswom Board has filed a detailed counter affidavit stating the reasons for re-transfer. Although the learned counsel for the petitioner submits that he has filed Ext.P3 representation before the Secretary of Travancore Devaswom Board against the re-transfer, he now submits that in view of the counter affidavit filed by the same Secretary, he is not likely to get a dispassionate consideration of Ext.P3 from him and therefore he seeks a direction to the 2nd respondent - Director of Public Instruction to consider his grievances in the matter. The petitioner submits that he has already filed Ext.P6 representation before the DPI in this matter.

In the above circumstances, the writ petition is disposed of with a direction to the 2nd respondent – Director of Public

Instruction to consider and pass appropriate orders on Ext.P6 as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment. I make it clear that I have not considered the matter on merits and DPI is free to consider all aspects of the case after hearing the petitioner, the 3rd respondent and the other teachers involved.

S. SIRI JAGAN, JUDGE

Acd